

## REMARKS

This Response is submitted in reply to the Final Office Action dated April 29, 2009. Claims 26 to 54 are pending in the present application. Claims 51 and 52 are hereby canceled without prejudice or disclaimer. Claims 26 to 31, 33, 35 to 37, 39 to 43, 45, 46 and 48 to 50, 53 and 54 are hereby amended. No new matter has been added by such amendments. Claims 26, 32, 34, 38, 42, 44, 47, 49 and 50 are in independent form. Please charge Deposit Account No. 02-1818 for all payments due in connection with this Response.

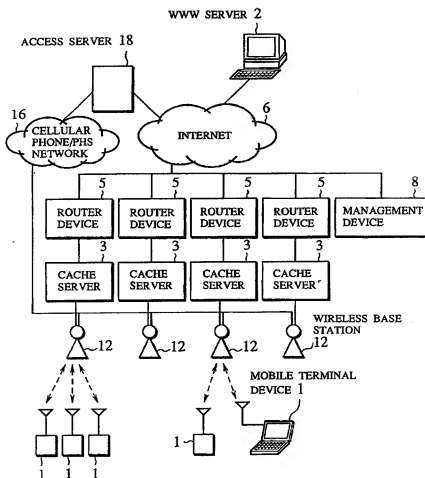
The Office Action rejected Claims 26 to 52 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2001/0047363 to Peng ("Peng") in view of U.S. Patent No. 6,874,017 to Inoue et al. ("Inoue"). In view of the clarifying amendments made herein, Applicant respectfully disagrees.

Peng discloses an apparatus and method for providing personalized application search results for wireless devices based on user profiles. The Abstract of Peng discloses:

An exemplary method for providing personalized application search results in a mobile device comprises the steps of receiving a search request from a user, the search request including at least one search keyword and a user identifier, searching an application registry database for a first set of matching applications based on the search keyword, searching an application selection table for a second set of matching applications based on the search keyword and the user identifier, ordering the second set of matching applications based on frequency of use parameters in the application selection table to obtain an ordered second set of matching applications, appending a set of application in the first set of matching applications but not in the second set of matching applications to the end of the ordered second set of matching applications, generating a response to the search request based on the third set of matching applications, and sending the response to the user.

Inoue discloses a scheme for information delivery to mobile computers using cache servers. Inoue enables mobile computers to acquire WWW (World Wide Web) information from WWW information servers through wireless access. (Column 1, Lines 10 to 12). Fig. 1 of Inoue (reproduced below) shows an exemplary network configuration of the invention of Inoue.

FIG. 1



More specifically, Inoue discloses:

Note that router devices 5, a management device 8, and cache servers 3 belong to a wireless service provider's network. (Column 7, lines 32 to 34)

[T]he management device 8 controls which WWW information should be cached into which cache server 3. Here, it is assumed that the management device 8 belongs to the wireless service provider, and carries out communications with the cache servers 3 and the wireless base stations 12, where such communications may be realized via the router devices 5 or by providing dedicated lines separately. (Column 8, lines 17 to 24)

[T]he management device 8 has . . . a user database 82 for maintaining and managing information regarding the premier users. (Column 11, lines 14 to 17)

FIG. 8 shows an exemplary format of the user database 82 for the premier users, which has four fields including "user ID", "caching order", "connected cell ID", and "nearby cache server ID". (Column 12, lines 32 to 35)

The user ID is an identifier of each premier user. (Column 12, lines 36)

The caching order indicates the hierarchical order from the top up to which the WWW information contained in the bookmark information notified from the mobile terminal device 1 of the premier user should be cached, in their (determined) priority order. Here, the bookmark information can be an information indicating the priority order itself, the past access frequencies, the access possibilities derived from the past access frequencies, the order of appearance in a list when the WWW pages are sorted in the descending order of their priority orders. (Column 12, lines 37 to 47)

The connected cell ID is an identifier of a cell corresponding to the wireless base station 12 to which the mobile terminal device 1 of the premier user is currently connected, which is notified from the mobile terminal device 1 of the premier user. (Column 12, lines 51 to 56)

The nearby cache server ID is an identifier of the cache server 3 corresponding to the wireless base station 12 to which the mobile terminal device 1 of the premier user is currently connected. The nearby cache server ID can be obtained by searching through the cache server location database 84 according to the connected cell ID. (Column 12, lines 57 to 62)

The management device 8 also issues a command indicating which WWW pages should be cached, with respect to the corresponding cache server in the system according to the sponsor database 81 and the user database 82. (Column 13, lines 47 to 50)

Amended independent Claim 26 includes, among other elements, a memory device which stores instructions, which when executed by the processor, cause the processor to: acquire user information of said processor from a remote user information database based on said information of at least one of the nearby apparatuses; request a communication service to a service provider based on the acquired user information; and utilize said communication service based on a determination of whether or not said communication service can be provided by said service

provider, wherein the determination is based on said user information. Applicant submits that Peng and/or Inoue does not disclose the foregoing combination of elements.

More specifically, if the Office Action interprets: (i) the mobile terminal device of Inoue as the nearby apparatus of Claim 26; (ii) the connected cell ID of Inoue as the information of the nearby apparatus of Claim 26; and (iii) the WWW server of Inoue as the service provider of Claim 26, then the mobile information processor resulting from the combination of Peng and Inoue does not disclose a memory device which stores instructions, which when executed by the processor, cause the processor to: (i) acquire user information of said processor from a remote user information database based on said information of at least one of the nearby apparatuses; (ii) request a communication service to a service provider based on the acquired user information; and (iii) utilize said communication service based on a determination of whether or not said communication service can be provided by said service provider, wherein the determination is based on said user information. When a mobile terminal device of Inoue (interpreted as the nearby apparatus of Claim 26) is connected to a wireless base station, a connection message containing a connected cell ID (interpreted as the information of the nearby apparatus of Claim 26) are notified from the mobile terminal device to the management device. Thereafter, the management device of Inoue issues a command indicating which WWW pages should be cached, with respect to the corresponding cache server in the system according to the sponsor database and the user database. The WWW server of Inoue (interpreted as the service provider of Claim 26) does not determine whether to provide a requested communication based on acquired user information. On the other hand, unlike the mobile information processor resulting from the combination of Peng and Inoue, amended independent Claim 26 includes, among other elements, a memory device which stores instructions, which when executed by the processor, cause the processor to: (i) acquire user information of said processor from a remote user information database based on said information of at least one of the nearby apparatuses; (ii) request a communication service to a service provider based on the acquired user information; and (iii) utilize said communication service based on a determination of whether or not said communication service can be provided by said service provider, wherein the determination is based on said user information. Additionally, it would not have been obvious to one of ordinary

skill in the art to modify Peng and Inoue to result in such an information processor without reasonably being construed as improper hindsight reconstruction.

For at least these reasons, it is respectfully submitted that independent Claim 26 is patentably distinguished over Peng in view of Inoue and in condition for allowance. Dependent Claims 27 to 31 and 51 to 54 depend directly from independent Claim 26 and are also allowable for the reasons given with respect to Claim 26 and because of the additional features recited in these claims.


Independent Claims 32, 34, 38, 42, 44, 47, 49 and 50 each include certain similar elements to independent Claim 26. For reasons similar to those discussed above with respect to independent Claim 26, independent Claims 32, 34, 38, 42, 44, 47, 49 and 50 (and dependent Claims 33, 35 to 37, 39 to 41, 43, 45, 46 and 48) are each patentably distinguished over Peng in view of Inoue and in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance, and allowance is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

K&L GATES LLP

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